The Chicago Tribune.

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WASHINGTON.

Yesterday's Proceedings in Congress.

Passage of the Fifteenth Amendment Enforcement Bill in the House.

Provisions of the Bill as Passed.

Speeches of Morton and Blair on the Indiana Nullification Resolutions.

Mr. Boutwell Likely to Resign in the Event of the Abolition of the Income Tax.

Special Dispatch to The Chicago Tribune.

DEBATE IN THE SENATE ON THE INDIANA NULLIFICATION RESOLUTIONS.

WASHINGTON, Feb. 15.—Mr. Morton's speech in the Senate on the joint resolution of the Indiana Legislature, which received the assent of the House to the Fifteenth Amendment, was the feature of to-day's session. He read it, and it bore the marks of earnest preparation. There was a large representation present on the floor from the other House, and the galleries were well filled, in anticipation of the debate. Senators and Representatives gathered around Morton, and paid him the rare compliment of close attention throughout. The views of the Indiana Legislature, as set forth in the resolutions, are generally conceded that it was an exceedingly able and creditable effort. When Morton had finished, Blair, who had been sitting near him, and in close proximity to Schurz, rose and proceeded to reply. For a short time there was a great sensation, as it was the universal expectation that Blair would say something short and undignified things. Democratic Senators appeared a little nervous at first, but soon became much assured as he went on. The points that Blair made were, that all the amendments were unconstitutional, and that the Fifteenth Amendment was passed by fraud, and in violation of the express will of the people. He also alleged, however, that this amendment had now become a law of the land. He objected to his Republican colleague's proposition to add still more to the Reconstruction acts, and let other legislation go over to the next Congress. When he finished, Schurz tried to get the floor to reply, but Thurman, who was in charge of the bill relating to the Reconstruction acts, and had been waiting already in this unprofitable discussion, and refused to grant him the privilege, insisted on the consideration of large number of bankers on, who expected to hear Schurz make some rich allusions to his new colleague.

THE BANK OF HOWARD BILL.

The scheme to subsidize steamships appear to be gaining thicker than ever. The following is the debate on Senator Fenton's amendment to the Appropriation bill in the shape of an amendment, to said bill, being a substitute for the measure in the Senate for steamship service between San Francisco, Japan, and China, one million dollars, for one year, and for such other purposes as the Postmaster General may, and he is hereby, authorized to contract for the immediate transportation of mail matter between the ports on the same terms and conditions as they are prescribed by the act of February 17, 1865, and the act of March 3, 1869, amendatory thereof, for the establishment of monthly service; and provided further, that all ships hereafter accepted for said service before the first trip shall be inspected, and shall be of not less than 4,500 tons register each.

PASSING RAILROAD MATTERS.

were up for consideration, and on motion the Senate Judiciary Committee. The discussion was mainly on the question of the immediate Senator's opinion as to the liability of those roads to paying interest now annually due to the Government on the bonds outstanding in Congress when it was passed. The right of the government to withhold the money due on account of freight and transportation of troops and supplies, was also a matter point the committee were nearly unanimously agreed that the government had no right to withhold the money to pay over and above the cost of transportation. It was also the prevailing sentiment that the Attorney General's opinion was not based upon sufficient and proper grounds. Undoubtedly the committee will propose such amendments to the bill as will secure the "rights" of the Government in the premises, and also give the Secretary of the Treasury some positive instructions as to the course he is to pursue. It is probable that the bill will have another hearing before the House Committee on this subject on Friday.

From present indications there will be no legislation in Congress in the present session with regard to Utah. It is probable that the bill will be allowed to die, and that the Mormon question will flourish there undisturbed until another session. The Committee on Territories decided, by a vote, not to report on Wilson's Polygamy bill, or on any matter now before it which relate to the subject.

COMMITTEE HEARINGS.

Secretary Boutwell and Commissioner Pleasonton were both before the House Committee on Ways and Means and Appropriations. The Secretary desired to have his clerical force increased by reason of the additional labor which will be consequence of the proposed new loan, while the Commissioner was anxious to ascertain if the Committee would not favor the proposition to increase the number of assistant assessors. It is probable that both will be granted.

WHISKEY INVESTIGATION.

The committee appointed on motion of Mr. Hooper to report a bill to the House, to authorize allowing drawback on spirits used in the arts, met this morning, and decided that no further legislation is necessary. The bill will be referred back to the committee.

THE SECRETARY'S RETIRING SCHEME.

Easton, Kinny, Furnace, Headsman, and others interred from Cincinnati, this morning, to the effect that the Secretary of the Treasury (Chittenden) was in Chattanooga. The Senate Committee on Commerce will hear Mr. Stanberry, in favor, and Colonel Dyer against the bill. The Senate Committee on Roads and Highways will also hear Mr. Stanberry in favor of the bill. The committee, it is said, will favor the bill, and it now looks as though the bill will pass.

THE SUPREME COURT.

The Senate Judiciary Committee considered the Newport and Cincinnati bridge question this morning, and came to the conclusion that in granting and in deciding that the company had the right to build a drawbridge, notwithstanding the Government, the Secretary of War, and Commissioner of Commerce, the Senate refused to refer again to the Commerce Committee. Chandler and his associates will be compelled to remove the bridge or place on the calendar, on Mr. Sherman's motion, without opposition, and will be passed by Saturday next.

FOREIGN MAILS INVESTIGATION.

Special Dispatch to The Chicago Tribune.

WASHINGTON, Feb. 15.—Representative Booker, of New York, this morning had a conference with Comptroller Brodhead, and obtained a statement of the amount of money received from the Postmaster-General for the transportation over the ocean of foreign mails. Mr. Booker will make the statement public at the proper time.

SECRETARY BOUTWELL.

It is stated that Secretary Boutwell is in receipt of letters from his friends in New York and Massachusetts, urging that the Secretary, by reason of the attitude assumed by the President and Pleasanton in regarding the income tax, is in honor bound to resign. The Secretary now intends to take counsel in this matter with his friends, and will probably resign if the income tax is not abolished.

[To the Associated Press.]

AN INTERESTING SEALED POR.

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APPOINTMENTS.

General J. H. Hyatt was on Monday appointed Collector of Internal Revenue for the district of Iowa, vice Wells Drummond removed.

The following nominations were sent to the Senate by the President to-day: Postmasters—Affairs in California. Postmasters—John Mc[illegible], Sacramento; Wm. Hamilton, Stockton; W. H. Hooper, Virginia City, Nev.; Wm. Hamilton, Stockton; Cal.; Wm. Hamilton, Sacramento, Cal.; S. G. McGowan, Columbia, Cal.; Wm. Hamilton, Virginia City, Nevada

The Chicago Tribune,

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THURSDAY, FEBRUARY 16, 1871.

THE WAREHOUSES AND THE LAW.

The Supreme Court, in the warehouse cases, declares the law to be that railroads are common carriers, and as such owe important duties to the public from which they cannot release themselves. Among these duties, as well defined and settled as anything in the law, is the obligation to receive and carry goods for all persons who may offer, without discrimination as to locality, and to deliver them in safety to the consignee, unless prevented by the act of God or the public enemy. Regarded merely as a common carrier, the court says, a railroad cannot be permitted to say to the public, "I shall receive goods at such a point and no other, and will not deliver at the warehouse of C, the latter presenting equal facilities for the discharge of freight, and being accessible on the line of such railroad. The public interest requires that a railroad company receiving at Chicago is to deliver goods to any consignee in this city to whom they may be sent; but this rule, the court goes on to say, has been so far relaxed in respect to railroads, from necessity, that a railroad cannot be required to deliver goods at places off its line. The important point, then, is to know when a place of delivery is to be considered on and when off the line of a railroad. This question has been left the answer to this question entirely clear, so far as it is to be determined by principles of law already laid down by them; we think the plain inference from the opinion of the court is to be found greatly in the way of any hardship.

A railroad, the court states, has no right to fix its own terminus as being at any particular warehouse or place in a city, when the charter declares the city to be such terminus. The line of the road—for such in many other—is declared by the charter to be the terminal point of a railroad, then such railroad is under clear obligation to deliver goods to anybody in such city to whom they may be consigned, and at such warehouse as they choose.

But in these last decisions the court lay down principles which modify largely the rights of the railroads to establish, at their own pleasure, the limits of their business relations to the public. If fairly applied, to go far to do away with the elevator monopoly. The court declares it to be the duty of a railroad to deliver grain, goods, and property in good order, and no contract can be made or there can be any sufficient reasons for such delivery. If other parties furnish the necessary facilities, by connecting warehouses with the railway connections, by switches and side tracks, so that the grain can be delivered in such warehouses without great expense, inconvenience, then the railroad is obliged to use common care to deliver the grain consigned to such warehouse. In the case which presented this important question provided, a railroad has no choice in the matter; the court says it can make no injurious or arbitrary discrimination between individuals in its dealing with the public. A railroad, it says, is subject to all the adjudged cases, has no right to grant exclusive privileges to any person. The question is not whether a railroad can be compelled to purchase the right to use switch tracks, or to make by buy the privilege of running its cars on side tracks owned by others; but whether, when switches and side tracks are furnished, and the company is asked to use them, with no expense of operation or management to itself, has the great gain and accommodation of the public, it is not obliged by common law to thus use them. We understand this principle to be maintained by the court, but stopping short of the point where and in cases by Justice Wallace. He holds that railroads may be compelled to deliver goats to any elevator on the line of their own roads, with tracks, or switches, or at elevators on other roads in the city where they may be brought by such roads; whenever it can be done without unreasonable expense. And, although a railroad cannot be compelled to construct new side tracks or switches, or make connections with other roads, yet it is liable if it be the fair conclusion, from the general principles of the opinion, that when such side tracks and switches are made, and a railroad is requested to use them for the delivery of grain to warehouses other than those designated, the road will decide that public duty demands a prompt compliance with such request. The duty of the common law is that neither a railroad nor any other corporation or person can refuse to perform the duties imposed upon the carrying it open to the public, when the performing of such duty or service requires no unusual expense or inconvenience. Such refusal, it is held, is a violation of public duty, it never made up in the interests of monopoly, and for purposes of extortion. And the question, whether the services does involve unusual expense or inconvenience, is a question of fact to be determined by a jury.

CONGRESSIONAL APPORTIONMENT.

The objection made to any additional representation to the States in these times is now having a large population, as compared, as shown by the census of 1870, to that nearly all the members of the next Congress have already been elected, and nothing have that there were elected upon the basis of the previous census, and that it could be against, if not unconstitutional, to overthrow all these elections, and date the new apportionment back before the late census was completed.

The objection, is plausible, but not sound. The constitution provides that every ten years there shall be an enumeration of the inhabitants, and that representation shall be apportioned among the several according to their respective numbers, and that each State shall choose its Representatives. The plain and natural, if not the express letter, of the constitution requires that there shall be an apportionment with every ten years, for the purpose of a new apportionment of representatives to Congress. Further, as it is the purpose of the constitution to have a discretionary with Congress to make the new apportionment, or to postpone it indefinitely, so far any period of time it chooses, Congress fail to exercise its power within the first session of the next census after 1870, the next Presidential election would be held, as to the apportionment of representatives for the next Congress, upon the census of 1870, and that of any year thereafter. Congress has no power to make the apportionment for the next Congress upon the census of 1870. If Congress were under the necessity of levying a direct tax upon the States, it would, of course, be apportioned upon the census of 1870; but the representation is apportioned under the census of 1860. This unconstitutional anomaly ought to be terminated without delay.

WEST POINT—MOB LAW IN COLLEGES.

The report of the Military Committee concerning the outrages perpetrated by the first class in the West Point Military Academy was presented to the House of Representatives on Tuesday, and referred to the Committee of the Whole. This decision, in the absence of other legislation, leaves to the railroad the full and absolute right to say to what warehouse they will deliver, as they may give permission to another, with the track, only to such warehouses as they choose.

But in these last decisions the court lay down principles which modify largely the rights of the railroads to establish, at their own pleasure, the limits of their business relations to the public. If fairly applied, to go far to do away with the elevator monopoly. The court declares it to be the duty of a railroad to deliver grain, goods, and property in good order, and no contract can be made or there can be any sufficient reasons for such delivery. If other parties furnish the necessary facilities, by connecting warehouses with the railway connections, by switches and side tracks, so that the grain can be delivered in such warehouses without great expense, inconvenience, then the railroad is obliged to use common care to deliver the grain consigned to such warehouse. In the case which presented this important question provided, a railroad has no choice in the matter; the court says it can make no injurious or arbitrary discrimination between individuals in its dealing with the public. A railroad, it says, is subject to all the adjudged cases, has no right to grant exclusive privileges to any person. The question is not whether a railroad can be compelled to purchase the right to use switch tracks, or to make by buy the privilege of running its cars on side tracks owned by others; but whether, when switches and side tracks are furnished, and the company is asked to use them, with no expense of operation or management to itself, has the great gain and accommodation of the public, it is not obliged by common law to thus use them. We understand this principle to be maintained by the court, but stopping short of the point where and in cases by Justice Wallace. He holds that railroads may be compelled to deliver goats to any elevator on the line of their own roads, with tracks, or switches, or at elevators on other roads in the city where they may be brought by such roads; whenever it can be done without unreasonable expense. And, although a railroad cannot be compelled to construct new side tracks or switches, or make connections with other roads, yet it is liable if it be the fair conclusion, from the general principles of the opinion, that when such side tracks and switches are made, and a railroad is requested to use them for the delivery of grain to warehouses other than those designated, the road will decide that public duty demands a prompt compliance with such request. The duty of the common law is that neither a railroad nor any other corporation or person can refuse to perform the duties imposed upon the carrying it open to the public, when the performing of such duty or service requires no unusual expense or inconvenience. Such refusal, it is held, is a violation of public duty, it never made up in the interests of monopoly, and for purposes of extortion. And the question, whether the services does involve unusual expense or inconvenience, is a question of fact to be determined by a jury.

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THE LAW COURTS.

What Constitutes a Valid Writ—A Doubt Dissipated.

The Restaurant Case—One Cent Damages Awarded.

Supreme Court of Illinois.

A POINT DECIDED.

A question arises now in some of the country counties as to the true construction of the following clause of the constitution: "All process shall run in the name of the People of the State of Illinois; and all prosecutions shall be carried on in the name and by the authority of the People of the State of Illinois, and conclude, Against the peace and dignity of the same."

Some of the sheriffs, acting under the expressed opinion of Judge Caton, have lately returned writs of delinquent taxes, process to them directed, because it did not in the old form—"To the People of the State of Illinois, greeting"—the latter being that of the words published in the new constitution since, and which are the following. Whether the omission of the words "greeting" will be fatal to the writs remains to be seen, but as the New York Tribune confesses, for revenue, but for manufactures forbidden by law, whenever the rate of duty on an import is, the manufacturers charge the same removal costs on [illegible] which is levied on the foreign article, and [illegible] the same tariff that they pay the government on the foreign article.

[illegible] per cent.

[illegible] 1 inch by 2 inches.....

[illegible] 2 inches.....

Thinner than No. 20.....

[illegible] 2 inch to 3 inches.....

[illegible] 3 inch to 4 inches.....

Bill iron not wrought, flat, for sale and manufacture into nails, spikes, etc.....

Bolts and nuts, screw.....

Wrought-iron rails and chairs.....

Wrought-iron rails and chairs, grooved.....

Iron, cast, not otherwise specified.....

Iron, wrought, not otherwise specified.....

Iron in sheets, not otherwise specified.....

Iron in pipes.....

Iron in tubes.....

Iron in wire, not otherwise specified.....

Iron in wire, for fences.....

Iron in wire, for sieves, riddles, and bolting cloths.....

Iron in wire, for hoops.....

Iron in wire, for rope.....

Iron in wire, for screens

BILLIARDS.

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Sixty-Eight Rounds Between Rudolphe and Tim Flynn.

Billiards.

THE LARGEST HALL IN THE WORLD.

Chicago boasts the worst. Everybody admits that. But that is of minor consequence when we make the greatest show; young and aspiring lassies, the greatest number of years of misery lasting by her 40th, 50th or last week of existence, and the world, the only system of street cleaning, the absolute nothingness, the unsurpassing mud and dust—all these, and a thousand and one evils that can be imagined, Chicago is one of the wonders of the world. No one will deny this. In summer all the dust in the world is blown into Chicago, and in winter all the mud in the world is brought into Chicago, and there it stays. Chicago is the only city in the world in which the pavements are not considered the best part of the street. In Chicago the pavements are the worst part of the street. Chicago pavements are the standard by which all other pavements are measured, and in accordance with immense respect and to the credit of the city, they are found to be the worst. Chicago pavements are the worst in the world. In what we pronounced the worst pavement in the world, the Bloomingdale road, Chicago pavements have such a brilliant start, that it would require a miracle to equal them. Chicago pavements are unapproachable. They are the worst in the world